



Green Paper for Post-School Education and Training in South Africa

This Green Paper, launched by the South African Minister of Higher Education and Training Dr Blade Nzimande in January 2012, identifies the key challenges facing South African higher education and sets out a path for overcoming these obstacles. Here SCAP Programme Director Eve Gray (with the input of Professor Julian Kinderlerer, Head of the Intellectual Property Law and Policy Unit at the University of Cape Town) highlights key issues contained in the paper as pertains to ICT, IPR, access to knowledge and open innovation.

The Green Paper is available for download [here](#). Interested organisations and persons are invited to respond to the Ministry by **30 April 2012**.

The role of ICT, IPR, access to knowledge and open innovation

The Green Paper on Post-School Education contains a number of provisions that are of interest from the perspective of the IP Law and Policy Research Unit and related projects and centres at UCT, such as SCAP and Open UCT. We have also identified gaps in the policy framework that could be addressed using the knowledge and experience accumulated over the past 5 years in research conducted at UCT.

The focus in this short discussion paper is therefore on the provision – or lack of provision – in the Green Paper for ICT use in higher education for the purposes of capacity growth and transformation; for the use and advantages of open approaches to knowledge creation and communication; and for the creation of national and institutional IP policy incorporating open licensing.

The vision of the Green Paper

The Green Paper offers an ambitious vision for growth in Higher and Further Education provision in order to meet one of the country's most serious challenges: the 3 million young people who are falling into the gaps, facing long-term unemployment (p. 4). It is further education that faces the largest deficit and requires the greatest intervention. Ambitious growth targets are set to remedy this situation: for a 1.5 million enrolment in higher education by 2030, and a 4 million enrolment in further education. These are participation rates of 23% and 60% respectively (p. 5).

The core focus of the Green Paper is therefore on employment and economic growth and how the higher and further education system could best contribute to this national imperative. However, the Green paper also places a strong emphasis on transformation and redress in the HE system.

The strategy – a collaborative approach to growth and technology transfer

The strategy that the Green Paper articulates to meet the challenge posed by the very substantial expansion needed in the sector is to initially focus growth in the successful institutions in the system, while progressively dealing with the weaker institutions (p. 19), acknowledging the need for increased funding in order to deliver these goals and also to create a better balance between research, teaching and learning (p.12). The stronger institutions (such as UCT, one presumes) would be used to help empower and capacitate the weaker ones. Collaborative development is stressed and the need for cooperation between institutions (p 52). Of direct relevance to UCT is the proposal that there should be a considerable increase in the output of postgraduates in successful research universities to help balance the ratios of academics to students and provide a qualified and competent cohort of academics to staff expansion across the sector (p. 8).

The need for regional and international research collaboration is also stressed, with the Southern African Regional Universities Association (SARUA) identified as a core partner in this regard.

Research

The Green Paper aims for growth in research outputs in the form of postgraduate degrees and 'patents and products' arising out of research. It aims for more differentiation in the research agendas of the different institutions (p.39). The general aim is to 'help drive South Africa's transformation towards a knowledge-based economy, in which the production and dissemination of knowledge leads to economic benefits and enriches all fields of human endeavour (p. 12).

What is missing here is the recognition - now widely accepted internationally and supported by UNESCO and other international agencies – of the role of open access to research publications in enhancing technical expertise and business growth, particularly in small to medium businesses [\[1\]](#).

ICT and open learning

The Green Paper promotes the central role of ICT in delivering effective teaching and learning and increasing institutional capacity in this regard. Of particular interest is the proposal that learning resources should be made available as open educational resources (p. 57, 59), and the Green Paper declares an interest in a government-managed development programme for open textbooks (p. 43; 60) [\[2\]](#). In making this proposal, the document explicitly refers to the UNESCO initiative for the promotion of OER policies in member nations [\[3\]](#).

However, the Green Paper does not address open access and open research.

IP policy development

In the light of these provisions for the adoption of OER, the Green Paper calls for supporting IPR policy development, suggesting 'the adoption or adaptation, in accordance with national needs, of an appropriate Open Licensing Framework for use by all education stakeholders, within an overarching policy framework on intellectual property

rights and copyright in higher education' (p. 60).

The IP Law and Policy Research Unit is arguably the only research space in the country with the expertise to inform the development of such an IP policy framework, incorporating, as it does, open licensing provisions alongside 'all rights reserved' protection.

The gap – Open Access

What is missing in the Green Paper is a recognition of the importance of access to knowledge and open access to research publications. This is all the more surprising as Open Access as a policy issue has now moved into the mainstream of global higher education. UNESCO has adopted an open access strategy that has been adopted by its General Conference. An Expert's Meeting and Open Access Forum in November 2011 was held to launch this strategy^[4].

UNESCO is calling for open access policies to be adopted by its member nations, arguing that access to knowledge is a fundamental human right, crucial in reducing the knowledge divide and increasing socio-economic development^[5].

UNESCO is not alone in this approach. In addition, the World Bank has adopted an open approach to its data^[6], and the FAO, which has adopted open access for its own publications, makes a strong case for the use of open access publishing to increase the impact of agricultural research across the globe^[7].

At national and regional levels, governments are addressing the question of open access as a policy issue. Federal legislation in the USA requires the open access publication or deposit of research publications funded by the National Institutes of Health; the European Union is reaching the final stages of a major initiative to provide infrastructure and support for an open access framework for research across the region, Open Aire (Open Access Infrastructure for Research in Europe)^[8]; the UK is progressively exploring open access policies through the national Joint Information Systems Committee (JISC)^[9].

Given that policy formulation needs to be forward looking, it is important that the question of open access be addressed in the Green Paper as a strategy and policy issue. UCT would be in a good position to contribute to the research, given the existence of the IP Law Policy and Research Unit and the successive donor funded research programmes that have been conducted at UCT, from Eve Gray's Open Society Policy Fellowship in 2006-7, through the OpeningScholarship project to the Scholarly Communication in Africa Programme, the Open UCT initiative, and the various research initiatives and donor programmes carried out in the IP Law and Policy Research Unit.

Questions for further research

There are a number of areas in which UCT could contribute to further research on higher education policy development in this field.

Intellectual property policy

The Green Paper explicitly asks for the development of IP policies for universities that encompass open and Creative Commons licences. UCT is probably ahead in its adoption of a revised IP policy that includes the use of open licences alongside all rights reserved copyright models and patents.

There would be advantages in expanding this policy, researching further options and refining and consolidating UCT's existing IP policy to align it more effectively with 21st century research processes and research communication practices. UCT could play a leadership role in this regard, given the existence of the expertise in the IP Law and Policy Research Unit.

Open access

At a national level, the potential of open access could be researched, in relation to national goals for economic development, business and employment growth, as well as the delivery of the Millennium Development Goals. An expansion of such an investigation could evaluate the impact of openness on transformation and redress in the HE system; on gender balance and disability access. It could also reflect on the explicit desire of the Green Paper to advantage young researchers and the potential of open access to empower this cohort.

Given evidence suggesting the increased impact of open research publication, the competitive advantages of open access and its potential contribution to the prestige of the national research effort could be tracked.

Open Innovation

Given the narrow focus on industrial-economy innovation systems in DST policy as the main path to evaluating university research impact on economic growth, there would be value in conducting further research on the potential for open access to serve the economic and social needs enshrined in national policy and in the UCT mission, and for tracking the social and economic benefits that could accrue.

Existing research on the impact of open research publication models suggests that the availability of open access to journal articles and to 'grey' publications has a beneficial effect, particularly in supporting the growth and effectiveness of small and medium businesses. This is in addition to the social benefits that can arise from access to research findings on important developmental issues such as health, food sustainability, and ecology.

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^[1] See, for example, the report to the Danish Agency for Science, Technology and Innovation:

Access to Work and Technical Information in Denmark, <http://www.fi.dk/publikationer/2011/adgang-til-forskningsresultater-og-t...>

^[2] This is in line with the adoption of open textbooks in schools by the Department of Basic Education in 2012.

^[3] A forum to initiate the southern African OER policy development process is to take place at UNISA in April.

^[4] Eve Gray, of CET and the IP Law and Policy Research Unit, was an invited delegate at the UNESCO OA Forum.

^[5] For the UNESCO Open Access Forum, see <http://www.unesco.org/new/en/communication-and-information/portals-and-platforms/goap/open-access-community/open-access-forum-2011/> The UNESCO strategy on Open Access is described here: <http://unesdoc.unesco.org/images/0021/002144/214466e.pdf>

A policy document will be released shortly.

^[6] <http://blogs.worldbank.org/endpovertyinsouthasia/world-banks-open-data-i...>

[7] The FAO CIARD programme enshrines this strategy: <http://www.ciard.net/>

[8] <http://www.openaire.eu/>

[9] <http://www.jisc.ac.uk/publications/briefingpapers/2009/bpopenaccessv3.aspx>,
<http://www.jisc.ac.uk/publications/programmerelated/2010/openaccessmainbrochure.aspx>

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